



STAFF REPORT

RE: Mason County Shoreline Master Program Periodic Review and Update – Continued Public Hearing

Date: July 19, 2021

Department: Community Development – Planning

Staff Contact(s):

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Action Requested at this Meeting: PAC Recommendation to BOCC to adopt Draft Amendments to the Shoreline Master Program (Title 17.50), Resource Ordinance (Title 8.52), and Development Code (Title 15).

BACKGROUND

The Mason County Community Development Department is conducting a periodic review of its Shoreline Master Program (SMP), consistent with the State Shoreline Management Act (SMA; RCW 90.58) and Ecology's Periodic Review Rule set forth in WAC 173-26-90. Periodic reviews are conducted every eight years. The Program was last comprehensively updated in 2017. This current process is not a comprehensive update. The intent of this periodic review is the following:

- to revise code as necessary to incorporate updates to the Shoreline Management Act as prescribed by the Washington State Department of Ecology
- to assure consistency of the SMP with Comprehensive Plan and development regulations
- to provide clarifications to improve implementation and accessibility of the Shoreline Master Program

Staff believes the scope and intent of this review listed above and realized in the attached proposed amendments meets Ecology's review criteria (WAC 173-26-201(1)(c)) which states the following:

1. Will not foster uncoordinated and piecemeal development of the state's shorelines.
2. Is consistent with all applicable policies and standards of the SMA.
3. Meets all procedural rule requirements for public notice and consultation.
4. Satisfies master program guidelines, analytical requirements, and substantive standards, including that the amendment will not result in a net loss of shoreline ecological functions.

Staff utilized the most recent version of the Washington Department of Ecology's periodic review checklist to analyze changes made to state law against the current version of the Mason County Shoreline Master Program, last comprehensively updated over almost a six year time period and adopted in 2017. Continuing to use the format of the checklist, staff also identified areas of the code that needed clarification and amendment based on the last three and a half years of implementing the 2017 SMP to current land use issues. This combined document is referred to as the *Consistency Review* and provides an overview of the draft amendments made to the Mason County Shoreline Master Program, Resource Ordinance, and Development Code. All documents listed at the end of this staff report as attachments will be considered during this public meeting and hearing process.

WHERE WE ARE

REVIEW AND ANALYSIS (JUNE 2021 – JULY 2021)

Draft amendments to the Mason County Shoreline Master Program, Mason County Resource Ordinance, and Development Code were made available to the public for a 30-day formal comment period, starting on May 13, 2021. Mason County and the Washington State Department of Ecology accepted comments on the periodic review of the Shoreline Master Program, using the joint review option per WAC 173-26-104. Comments were accepted by the County and will be forwarded to Ecology. The public comment period closed on June 14, 2021. A continued MC SMP Periodic Review public hearing is to be held on July 19, 2021, where additional comment and testimony may be made and the County staff responses to the current citizen/agency comments can be reviewed/discussed by the PAC.

During the 30-day comment period, comments were received from WDFW, Mason Conservation District, Hood Canal Environmental Council, Jan Wold, and Sherri Dysart.

Staff has 30 days from the close of the comment period to respond to all comments and identify any changes proposed due to those comments prior to submitting to the Department of Ecology for an initial determination of consistency.

STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION

Please see staff report date 6.21.21 for information on the SEPA DNS.

PLANNING ADVISORY COMMISSION MEETINGS AND RECOMMENDATIONS

Please see staff report for 6.21.21 for more information on the meetings held for the SMP periodic review process.

At the 6.21.21 Mason County SMP Periodic Review Public Hearing the PAC listened to public testimony and requested to continue the public hearing process in order to review staff's responses to the comments received during the 30-day joint comment period (local/state) and the comments provided for the 6.21.21 public hearing. The resulting document is the Mason County Shoreline Master Program:

Periodic Review 2020-2021 Comment Matrix. This matrix with County responses will also be provided to the citizens/agencies who made comments.

PUBLIC NOTICE

Per RCW 90.58.130 and WAC 173-26-090 local government is required to inform the people of the state about the planning process and invite participation by all who have any interest or responsibility related to shorelines. Please see staff report for 6.21.21 to review steps taken to involve the public in prior workshops and the hearing.

The July 19, 2021 continued public hearing will also be advertised in the journal, on the County website, and emailed to the 2021 SMP notification list.

REQUESTED ACTION BY PAC

Staff recommends that the Planning Advisory Commission recommend to the Mason County Board of Commissioners approval of the following draft amendments: Title 17.50 - Shoreline Master Program, Title 8.52 - Resource Ordinance, and Title 15 – Development Code.

NEXT STEPS

- 1) Submit draft amendments and supporting documentation to Department of Ecology for initial determination of consistency
 - Written determination received within 30 days of complete submittal (15 day extension possible)
 - Written statement of required and/or recommended changes
- 2) Make any required or recommended changes based on Ecology's determination
- 3) Adopt the amendments through ordinance using local process (BOCC)
- 4) Submit Final SMP Amendment to Ecology for formal action

ATTACHMENTS

- SMP Periodic Review 2020-2021 Comment Matrix
- Draft – Title 17.50 Shoreline Master Program (located [here](#))
- Draft – Title 8.52 Resource Ordinance (located [here](#))
- Draft – Title 15 Development Code (located [here](#))
- Consistency Review Document (located [here](#))